

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0407-AIR-E TCEQ ID: RN100225978 CASE NO.: 35525
RESPONDENT NAME: Ash Grove Texas, L.P.

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Ash Grove Texas LP, 900 Gifco Road, Midlothian, Ellis County</p> <p>TYPE OF OPERATION: Portland cement manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Kevin D. Blankenship, Plant Manager, Ash Grove Texas, L.P., P.O. Box 520, Midlothian, Texas 76065 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 16, 2008</p> <p>Date of NOV/NOE Relating to this Case: March 7, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to submit the required annual compliance certification for the period of October 13, 2006 through October 12, 2007 [30 TEX. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to timely submit the required deviation report for the period of October 13, 2006 through April 12, 2007 and to submit the required deviation report for the period of April 13, 2007 through October 12, 2007 [30 TEX. ADMIN. CODE § 122.145(2)(A), (B), and (C) and § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$16,725</p> <p>Total Deferred: \$3,345 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,690</p> <p>Total Paid to General Revenue: \$6,690</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Submitted the required deviation report for the period of October 13, 2006 through April 12, 2007 on June 7, 2007;</p> <p>b. Submitted a revised deviation report for the period of October 13, 2006 through May 6, 2007 on March 17, 2008;</p> <p>c. Submitted the required annual compliance certification for the period of October 13, 2006 through May 6, 2007 on March 17, 2008; and</p> <p>d. Submitted the required deviation report for the period of May 7, 2007 through November 7, 2007 on March 26, 2008.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): ED00340

Attachment A
Docket Number: 2008-0407-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ash Grove Texas, L.P.
Payable Penalty Amount:	Thirteen Thousand Three Hundred Eighty Dollars (\$13,380)
SEP Amount:	Six Thousand Six Hundred Ninety Dollars (\$6,690)
Type of SEP:	Pre-approved
Third-Party Recipient:	City of Fort Worth-“Mow Down Air Pollution” lawn mower exchange event
Location of SEP:	Tarrant County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to host a one-day event in Tarrant County where 167 operational gas-powered walk-behind lawn mowers may be traded in for a discount on a clean-running electric mower. The City of Fort Worth (“the City”) shall coordinate with retailers and/or manufacturers to provide a 20% discount off the retail cost of electric mowers. The City will pay 40% of the retail cost with SEP funds to keep out-of-pocket consumer costs comparable to that of buying a gas-powered mower. The discounted price for the consumer will be approximately \$209 for an electric mower that usually costs \$449.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing approximately 167 gasoline-powered mowers from service and result in an estimated reduction of seven tons of volatile organic compound emissions and removal of 15 tons of carbon monoxide emissions per year. The event will assist in educating citizens on ways they can reduce ozone-forming emissions.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

City of Fort Worth
Attn: Haily Summerford, Environmental Management Department
1000 Throckmorton Street
Fort Worth, Texas 76102

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

TCEQ

DATES	Assigned	10-Mar-2008	Screening	11-Mar-2008	EPA Due	2-Dec-2008
	PCW	11-Mar-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Ash Grove Texas, L.P.		
Reg. Ent. Ref. No.	RN100225978		
Facility/Site Region	4-Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35525	No. of Violations	1
Docket No.	2008-0407-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Jorge Ibarra, P.E.,
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **133% Enhancement** Subtotals 2, 3, & 7 **\$9,975**

Notes

The Respondent was issued nine NOV's with the same/similar type of violations, 11 NOV's without the same/similar type of violations, self reported 35 effluent violations, and submitted two Notices of Intent and one Disclosure of Violations.

Culpability

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

10% Reduction

Subtotal 5 **\$750**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved full compliance on March 26, 2008.

0% Enhancement*

Subtotal 6 **\$0**

*Capped at the Total EB \$ Amount

Total EB Amounts	\$22
Approx. Cost of Compliance	\$500

SUM OF SUBTOTALS 1-7

Final Subtotal **\$16,725**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$16,725**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$16,725**

DEFERRAL

20%

Reduction

Adjustment **-\$3,345**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$13,380

Screening Date 11-Mar-2008

Docket No. 2008-0407-AIR-E

PCW

Respondent Ash Grove Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35525

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100225978

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	46	92%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 133%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent was issued nine NOVs with the same/similar type of violations, 11 NOVs without the same/similar type of violations, self reported 35 effluent violations, and submitted two Notices of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 133%

Screening Date 11-Mar-2008		Docket No. 2008-0407-AIR-E		PCW
Respondent Ash Grove Texas, L.P.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 35525		<small>PCW Revision February 29, 2008</small>		
Reg. Ent. Reference No. RN100225978				
Media [Statute] Air				
Enf. Coordinator Jorge Ibarra, P.E.,				
Violation Number		<input type="text" value="1"/>		
Rule Cite(s)		30 Tex. Admin. Code §§ 122.145(2)(A), (B), and (C) and 122.146(1) and (2) and Tex. Health & Safety Code § 382.085(b)		
Violation Description		Failed to timely submit the required deviation report for the period of October 13, 2006 through April 12, 2007 (due May 12, 2007), to submit the required deviation report for the period of April 13, 2007 through October 12, 2007 (due November 11, 2007), and to submit the required annual compliance certification for the period of October 13, 2006 through October 12, 2007 (due November 11, 2007).		
Base Penalty				<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	<input type="text" value="\$7,500"/>
<input type="text" value="\$2,500"/>	

Violation Events

Number of Violation Events	<input type="text" value="3"/>		Number of violation days	<input type="text" value="304"/>
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<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

Three single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$22"/>
	Violation Final Penalty Total <input type="text" value="\$16,725"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$16,725"/>	

Economic Benefit Worksheet**Respondent** Ash Grove Texas, L.P.**Case ID No.** 35525**Reg. Ent. Reference No.** RN100225978**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	12-May-2007	26-Mar-2008	0.9	\$22	n/a	\$22

Notes for DELAYED costs

Estimated cost to submit the required annual compliance certification and deviation reports. Date Required is the date the first deviation report was due, Final Date is the compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$500

TOTAL

\$22

Compliance History

Customer/Respondent/Owner-Operator:	CN600132161	Ash Grove Texas, L.P.	Classification: AVERAGE	Rating: 2.48																																																																																																
Regulated Entity:	RN100225978	ASH GROVE TEXAS L P	Classification: AVERAGE	Site Rating: 0.90																																																																																																
ID Number(s):	<table border="0"> <tr> <td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>ED00340</td></tr> <tr> <td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1054</td></tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TXD007926496</td></tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>32941</td></tr> <tr> <td>WASTEWATER</td><td>PERMIT</td><td>WQ0002427000</td></tr> <tr> <td>WASTEWATER</td><td>PERMIT</td><td>TPDES0083437</td></tr> <tr> <td>WASTEWATER</td><td>PERMIT</td><td>TX0083437</td></tr> <tr> <td>PETROLEUM STORAGE TANK REGISTRATION</td><td>REGISTRATION</td><td>11627</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>16731</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>838</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>6230</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>ED00340</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>76379</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4813900002</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>71845</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>74145</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>74149</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>76414</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>30262</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>30263</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>30264</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>30265</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>34329</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>80048</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>82608</td></tr> <tr> <td>PUBLIC WATER SYSTEM/SUPPLY</td><td>REGISTRATION</td><td>0700075</td></tr> <tr> <td>TIRES</td><td>REGISTRATION</td><td>76905</td></tr> <tr> <td>WATER LICENSING</td><td>LICENSE</td><td>0700075</td></tr> <tr> <td>TIRES</td><td>REGISTRATION</td><td>26858</td></tr> <tr> <td>STORMWATER</td><td>PERMIT</td><td>TXR05U036</td></tr> <tr> <td>WASTEWATER LICENSING</td><td>LICENSE</td><td>WQ0002427000</td></tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	ED00340	AIR OPERATING PERMITS	PERMIT	1054	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD007926496	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32941	WASTEWATER	PERMIT	WQ0002427000	WASTEWATER	PERMIT	TPDES0083437	WASTEWATER	PERMIT	TX0083437	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	11627	AIR NEW SOURCE PERMITS	PERMIT	16731	AIR NEW SOURCE PERMITS	PERMIT	1	AIR NEW SOURCE PERMITS	PERMIT	838	AIR NEW SOURCE PERMITS	PERMIT	6230	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	ED00340	AIR NEW SOURCE PERMITS	REGISTRATION	76379	AIR NEW SOURCE PERMITS	AFS NUM	4813900002	AIR NEW SOURCE PERMITS	REGISTRATION	71845	AIR NEW SOURCE PERMITS	REGISTRATION	74145	AIR NEW SOURCE PERMITS	PERMIT	74149	AIR NEW SOURCE PERMITS	PERMIT	76414	AIR NEW SOURCE PERMITS	REGISTRATION	30262	AIR NEW SOURCE PERMITS	REGISTRATION	30263	AIR NEW SOURCE PERMITS	REGISTRATION	30264	AIR NEW SOURCE PERMITS	REGISTRATION	30265	AIR NEW SOURCE PERMITS	REGISTRATION	34329	AIR NEW SOURCE PERMITS	REGISTRATION	80048	AIR NEW SOURCE PERMITS	REGISTRATION	82608	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0700075	TIRES	REGISTRATION	76905	WATER LICENSING	LICENSE	0700075	TIRES	REGISTRATION	26858	STORMWATER	PERMIT	TXR05U036	WASTEWATER LICENSING	LICENSE	WQ0002427000
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STORMWATER	PERMIT	TXR05U036																																																																																																		
WASTEWATER LICENSING	LICENSE	WQ0002427000																																																																																																		
Location:	900 GIFCO RD, MIDLOTHIAN, TX, 76065		Rating Date: September 01 07	Repeat Violator: NO																																																																																																
TCEQ Region:	REGION 04 - DFW METROPLEX																																																																																																			
Date Compliance History Prepared:	March 10, 2008																																																																																																			
Agency Decision Requiring Compliance History:	Enforcement																																																																																																			
Compliance Period:	March 10, 2003 to March 10, 2008																																																																																																			

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. if Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/17/2003	(206538)
2	04/22/2003	(31646)
3	04/23/2003	(206541)
4	04/30/2003	(28205)
5	05/22/2003	(315983)
6	06/03/2003	(61765)
7	06/03/2003	(61596)
8	06/17/2003	(62109)
9	06/23/2003	(315984)
10	07/24/2003	(315985)
11	08/22/2003	(315986)
12	09/25/2003	(315987)
13	10/23/2003	(315988)
14	11/20/2003	(315989)
15	12/18/2003	(256494)
16	12/30/2003	(315990)
17	01/06/2004	(248480)
18	01/20/2004	(251556)
19	01/22/2004	(315992)
20	02/23/2004	(315981)
21	02/25/2004	(263845)
22	02/25/2004	(263856)
23	02/25/2004	(263865)
24	03/25/2004	(315982)
25	04/08/2004	(262347)
26	04/26/2004	(360668)
27	05/17/2004	(269752)
28	05/17/2004	(269787)
29	05/17/2004	(269791)
30	05/17/2004	(269754)
31	05/17/2004	(269749)
32	05/17/2004	(269785)
33	05/26/2004	(360669)
34	06/28/2004	(360670)
35	06/30/2004	(277536)
36	07/23/2004	(360671)
37	07/27/2004	(283045)
38	07/27/2004	(283064)
39	07/27/2004	(283057)
40	08/26/2004	(360672)
41	09/22/2004	(360673)
42	10/04/2004	(291070)
43	10/07/2004	(292679)
44	10/07/2004	(292770)
45	10/28/2004	(333923)
46	11/05/2004	(386691)
47	11/18/2004	(339303)
48	11/18/2004	(288940)
49	11/24/2004	(341367)
50	11/29/2004	(386692)
51	12/15/2004	(339941)
52	12/23/2004	(386693)
53	12/30/2004	(345144)
54	01/28/2005	(386694)
55	02/14/2005	(345967)
56	02/28/2005	(424509)
57	03/09/2005	(345903)
58	03/17/2005	(350263)
59	03/17/2005	(372596)
60	03/22/2005	(347249)

61	03/22/2005	(351034)
62	03/22/2005	(350023)
63	03/23/2005	(424510)
64	03/23/2005	(371783)
65	03/30/2005	(373505)
66	03/30/2005	(373511)
67	04/13/2005	(376115)
68	04/27/2005	(373368)
69	05/04/2005	(424511)
70	05/31/2005	(424512)
71	06/21/2005	(424514)
72	07/05/2005	(398631)
73	07/22/2005	(424513)
74	08/08/2005	(400698)
75	08/18/2005	(404883)
76	08/18/2005	(404674)
77	08/24/2005	(405031)
78	08/25/2005	(445260)
79	09/16/2005	(399589)
80	09/16/2005	(400772)
81	09/22/2005	(445261)
82	10/12/2005	(418898)
83	10/12/2005	(406926)
84	10/12/2005	(418970)
85	10/25/2005	(433725)
86	10/26/2005	(476506)
87	10/28/2005	(400866)
88	10/28/2005	(435395)
89	11/07/2005	(433448)
90	11/07/2005	(433356)
91	11/14/2005	(435849)
92	11/18/2005	(437531)
93	11/21/2005	(476507)
94	11/29/2005	(434193)
95	12/01/2005	(436882)
96	12/22/2005	(476508)
97	12/28/2005	(439609)
98	12/28/2005	(439654)
99	01/04/2006	(449853)
100	01/05/2006	(438412)
101	01/18/2006	(476509)
102	02/01/2006	(451169)
103	02/24/2006	(476504)
104	03/02/2006	(456090)
105	03/02/2006	(455076)
106	03/22/2006	(476505)
107	03/30/2006	(459052)
108	04/05/2006	(461494)
109	04/06/2006	(458121)
110	04/06/2006	(457998)
111	04/10/2006	(503519)
112	04/20/2006	(461595)
113	04/26/2006	(462429)
114	04/26/2006	(462521)
115	04/26/2006	(462460)
116	05/02/2006	(462728)
117	05/10/2006	(465326)
118	05/10/2006	(465554)
119	05/10/2006	(465537)
120	05/15/2006	(503520)
121	05/25/2006	(464297)
122	06/07/2006	(503521)
123	07/05/2006	(525877)
124	07/21/2006	(480132)
125	07/21/2006	(479921)
126	07/21/2006	(480232)
127	07/21/2006	(480982)
128	07/21/2006	(479990)

129	07/26/2006	(484198)
130	07/27/2006	(480295)
131	08/18/2006	(525878)
132	09/20/2006	(510754)
133	09/20/2006	(510555)
134	09/20/2006	(509354)
135	09/25/2006	(525879)
136	09/26/2006	(488417)
137	10/10/2006	(514923)
138	10/10/2006	(512745)
139	10/11/2006	(512772)
140	10/12/2006	(513526)
141	10/19/2006	(513536)
142	10/19/2006	(513714)
143	10/19/2006	(513846)
144	10/24/2006	(550326)
145	10/26/2006	(514909)
146	10/27/2006	(513802)
147	11/17/2006	(519597)
148	11/21/2006	(517729)
149	11/22/2006	(550327)
150	11/28/2006	(519615)
151	12/12/2006	(532244)
152	12/12/2006	(532226)
153	12/12/2006	(532203)
154	12/13/2006	(518900)
155	12/20/2006	(550328)
156	12/28/2006	(535120)
157	01/18/2007	(586140)
158	01/23/2007	(535661)
159	01/31/2007	(536371)
160	02/08/2007	(536918)
161	02/22/2007	(586135)
162	03/22/2007	(540321)
163	03/27/2007	(586136)
164	04/04/2007	(586137)
165	04/11/2007	(554413)
166	04/26/2007	(539463)
167	05/17/2007	(560860)
168	05/29/2007	(586138)
169	05/29/2007	(560203)
170	06/21/2007	(586139)
171	07/10/2007	(565290)
172	07/20/2007	(604657)
173	08/08/2007	(565454)
174	08/23/2007	(604658)
175	08/30/2007	(570727)
176	10/02/2007	(572266)
177	10/04/2007	(596270)
178	10/11/2007	(597013)
179	10/12/2007	(572163)
180	10/15/2007	(624228)
181	11/02/2007	(597183)
182	11/13/2007	(597017)
183	11/14/2007	(624230)
184	12/10/2007	(624229)
185	12/20/2007	(611997)
186	12/20/2007	(611110)
187	01/03/2008	(612855)
188	02/28/2008	(637446)
189	03/07/2008	(614969)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/30/2003 (315983)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description:	Failure to meet the limit for one or more permit parameter	
Date:	05/01/2003	(28205)
Self Report?	YES	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)	
Description:	Failure to report the correct duration on the Deviation Report dated 11/12/02 for an excess opacity event which occurred on 8/6/02.	
Date:	05/31/2003	(315984)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	06/30/2003	(315985)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/31/2003	(315986)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/31/2003	(315987)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/30/2003	(315988)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2003	(315989)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	11/30/2003	(315990)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	12/22/2003	(256494)
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(e)	
Description:	Failure to abide by excess opacity notification requirements.	
Date:	12/31/2003	(315992)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	01/29/2004	(251556)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to meet the opacity limit of 30% by having an opacity of 47.9%.	
Date:	01/31/2004	(315981)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	03/31/2004	(360668)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	

	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2004 (360669)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2004 (360670)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2004 (360671)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2004 (360672)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2004 (360673)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2004 (386691)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/04/2004 (291070)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Opacity in Kiln No. 3 exceeded established limits.		
Date:	10/28/2004 (333923)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(e) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to submit a notification of an excess opacity event within 24 hours of discovery of the event.		
Date:	10/31/2004 (386692)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/18/2004 (288940)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(e) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to provide notification of an excess opacity event within 24 hours of discovery as required.		
Date:	11/30/2004 (386693)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2004 (386694)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 01/31/2005 (424509)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/14/2005 (345967)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to include violations of 30 TAC 101.201 on deviation report dated 5/10/04.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to maintain records of opacity monitoring for the purposes of certifying
 compliance with the facility's Title V Permit.
 Date: 03/10/2005 (345903)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 Description: Failure to submit initial notification within 24 hours of discovery of opacity event.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 Description: Failure to submit initial notification within 24 hours of discovery of opacity event.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 Description: Failure to submit initial notification within 24 hours of discovery of opacity event.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to meet 30 TAC 111.111(a)(1)(A).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with 30 TAC 111.111(a)(1)(B).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to meet 30 TAC 111.111(a)(1)(B).
 Date: 03/31/2005 (424511)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/30/2005 (424513)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2005 (424514)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (445260)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2005 (445261)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/19/2005 (400772)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to maintain an affirmative defense due to human error for the excess opacity emissions over the visible emissions limit during this event.
 Date: 09/19/2005 (399589)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to submit a final notification report for Incident No. 49483 within 2 weeks from the end of the maintenance event.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with 30 TAC 111.111(a)(1)(B) and 5C THC 382.085(b).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to submit a final notification report for Incident No. 51016 within two weeks from the end of the maintenance event.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with 30 TAC 111.111(a)(1)(B) and 5C THC 382.085(b).
 Date: 09/30/2005 (476506)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2005 (476507)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2005 (434193)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
 Description: Failure to provide suitable sampling tap on the discharge pipe of the each well prior to any treatment.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 Description: Failure to compile Monthly operating Reports of Water Works Operation.
 Date: 12/31/2005 (476509)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/06/2006 (438412)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to submit the permit compliance certification within 30 days of the end of the compliance certification period.
 Date: 03/03/2006 (456090)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with opacity limits set forth under 30 TAC 111.111(a)(1)(A).
 Date: 03/31/2006 (503519)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/23/2006 (464297)
 Self Report? NO Classification: Minor

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply the self-monitored effluent limitations.		
Date:	05/31/2006 (503521)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006 (525877)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/27/2006 (480295)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to comply with the 20 percent opacity limit set forth under 30 TAC 111.111(a)(1)(B).		
Date:	07/27/2006 (484198)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to comply with the 30 percent opacity limit set forth under 30 TAC 111.111(a)(1)(B).		
Date:	09/28/2006 (488417)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to comply with the 30 percent opacity limit set forth under 30 TAC 111.111(a)(1)(A).		
Date:	11/30/2006 (519615)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to maintain an affirmative defense due to human error for the excess opacity emissions generated over the visible emissions limit during this event.		
Date:	03/23/2007 (540321)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(b)		
	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to comply with opacity limits set forth under 30 TAC 111.111(a)(1)(B).		
Date:	04/30/2007 (539463)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1, Special Condition 1		
Description:	Failure to meet the carbon monoxide emission limit for Kiln 2 of 100 pounds per hour.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.146(5)(C)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to include detailed information on all deviations occurring during the period on the permit compliance certification.		
Date:	04/30/2007 (586138)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2007 (624229)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 03/07/2008 (637029)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Title V Permit Compliance Certification by the due date.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to include all deviations on the Deviation Report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Deviation Report before the due date.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a 40 CFR Part 63 Subpart LLL semiannual report by the due date.

F. Environmental audits.

Notice of Intent Date: 09/09/2004 (334519)

Disclosure Date: 10/26/2004

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to register for standard exemption (PBR) for grinding aid.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)

Description: DIDN'T INCLUDE VOC EMISSIONS FROM FINISH MILL IN EI

Disclosure Date: 03/08/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)

30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)

Description: failed to reflect the applicability of NSPS Subpart Y to three conveyors transferring material from the solid fuel day tank to the solid fuel mills within the coal mill system in the initial Title V application

Notice of Intent Date: 09/01/2006 (514035)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ASH GROVE TEXAS, L.P.
RN100225978**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0407-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ash Grove Texas, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a portland cement manufacturing plant at 900 Gifco Road in Midlothian, Ellis County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 12, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand Seven Hundred Twenty-Five Dollars (\$16,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Six Hundred Ninety Dollars (\$6,690) of the administrative penalty and Three Thousand Three Hundred Forty-Five Dollars (\$3,345) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms

of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Six Hundred Ninety Dollars (\$6,690) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Submitted the required deviation report for the period of October 13, 2006 through April 12, 2007 on June 7, 2007;
 - b. Submitted a revised deviation report for the period of October 13, 2006 through May 6, 2007 on March 17, 2008;
 - c. Submitted the required annual compliance certification for the period of October 13, 2006 through May 6, 2007 on March 17, 2008; and
 - d. Submitted the required deviation report for the period of May 7, 2007 through November 7, 2007 on March 26, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit the required annual compliance certification for the period of October 13, 2006 through October 12, 2007, in violation of 30 TEX. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 16, 2008.

2. Failed to timely submit the required deviation report for the period of October 13, 2006 through April 12, 2007 and to submit the required deviation report for the period of April 13, 2007 through October 12, 2007, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A), (B), and (C) and § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 16, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ash Grove Texas, L.P., Docket No. 2008-0407-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Six Hundred Ninety Dollars (\$6,690) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Soderin
For the Executive Director

8/29/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Kevin D. Blankenship
Signature

6/4/2008
Date

Kevin P. Blankenship
Name (Printed or typed)
Authorized Representative of
Ash Grove Texas, L.P.

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2008-0407-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Ash Grove Texas, L.P.

Payable Penalty Amount: Thirteen Thousand Three Hundred Eighty Dollars (\$13,380)

SEP Amount: Six Thousand Six Hundred Ninety Dollars (\$6,690)

Type of SEP: Pre-approved

Third-Party Recipient: City of Fort Worth-“Mow Down Air Pollution” lawn mower exchange event

Location of SEP: Tarrant County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to host a one-day event in Tarrant County where 167 operational gas-powered walk-behind lawn mowers may be traded in for a discount on a clean-running electric mower. The City of Fort Worth (“the City”) shall coordinate with retailers and/or manufacturers to provide a 20% discount off the retail cost of electric mowers. The City will pay 40% of the retail cost with SEP funds to keep out-of-pocket consumer costs comparable to that of buying a gas-powered mower. The discounted price for the consumer will be approximately \$209 for an electric mower that usually costs \$449.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing approximately 167 gasoline-powered mowers from service and result in an estimated reduction of seven tons of volatile organic compound emissions and removal of 15 tons of carbon monoxide emissions per year. The event will assist in educating citizens on ways they can reduce ozone-forming emissions.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

City of Fort Worth
Attn: Haily Summerford, Environmental Management Department
1000 Throckmorton Street
Fort Worth, Texas 76102

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

